UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1991/SR.51
16 May 1991

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Forty-seventh session

SUMMARY RECORD OF THE 51st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 5 March 1991, at 10.30 a.m.

Chairman: Mr. BERNALES BALLESTEROS (Peru)

later: Mr. MARTIUS (Germany)

CONTENTS

Statement by Mr. Alexis Frutos Vaesken, Minister for Foreign Affairs of Paraguay

Statement by Mrs. Marie-Denise Fabien Jean-Louis, Minister for Foreign Affairs of Haiti

Right of persons belonging to national, ethnic, religious and linguistic minorities (continued)

Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.91-11549/3165B

The meeting was called to order at 10.25 a.m.

STATEMENT BY MR. FRUTOS VAESKEN, MINISTER FOR FOREIGN AFFAIRS OF PARAGUAY

1. Mr. FRUTOS VAESKEN (Minister for Foreign Affairs of Paraguay) said that his presence in the Commission on Human Rights attested to the importance that the Government of Paraguay attached to the work of a body, which had spared no effort on behalf of the Paraguayan people during all the years when they were subjected to a dictatorial régime. For more than 20 years, Paraguay had been one of the countries in which there had been a consistent pattern of gross violations of human rights and the Commission's consensus decision to end consideration of the Paraguayan question, taken one year after the restoration of democracy to Paraguay, was particularly encouraging.

2. Much had happened since General Andrés Rodríguez, who today was the constitutional President of Paraguay, had taken power on 3 February 1989 to restore democracy and the rule of law and to guarantee the full observance of human rights in the country. Exiles had been encouraged to return in order to participate in building the new nation; ideological pluralism had become a fact of everyday life, and the restoration of freedom of the press and of expression had ended years of obscurantism and censure. Perhaps for those reasons alone Andrés Rodríguez had been swept to victory in the presidential elections of May 1989, the first free elections in Paraguay's entire history. A new electoral code had been drafted in order to eliminate fraud and to guarantee free interplay by the political parties, the latter having sponsored the major revision of a number of repressive laws, for example the notorious Laws Nos. 209 and 294. In conjunction with the process of institutional normalization, special emphasis had been placed on the independence and restructuring of the judiciary, and among other things an electoral tribunal had been established for the first time.

3. With respect to human rights, many officials of the previous régime had been tried and sentenced for violation of those rights and for corruption. In July 1990, a seminar on human rights had been organized in Asunción for government officials, law enforcement officers and organizations for the defence of human rights, by the Paraguayan Government, the Centre for Human Rights and the United Nations Development Programme. A Human Rights Office had been set up under the Ministry of Justice and Labour with the primary responsibility of guaranteeing the promotion and protection of human rights and dissemination of information on the subject. At the international level, the Paraguayan Government had ratified the Inter-American Convention on Human Rights, and shortly after had invited the Inter-American Commission on Human Rights to visit Paraguay. Paraguay had also ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Convention on the Elimination of All Forms of Discrimination against Women, as well as the Convention on the Rights of the Child had recently entered into force for Paraguay and the Parliament was currently studying a proposal to ratify the two International Covenants on Human Rights.

4. Paraguay's foreign policy had three fundamental objectives: first, opening up to the outside world, closer ties of friendship and cooperation with all peoples and nations, second, cooperation with all the international bodies concerned with the protection of human rights and third, regional economic integration. For a long time, the international community had

evinced little interest in Paraguay because it had been isolated regionally and internationally for so long. But the leaders of the new democracy no longer viewed the outside world as a threat and instead were doing their utmost to ensure that Paraguay regained its place within the community of nations. The reception being extended to democratic Paraguay demonstrated beyond any doubt that its former isolation was due not to its geographical situation but to the steady deterioration in the country's institutional framework. If that international rehabilitation was to become a reality, the process of democratization under way in Paraguay would have to be consolidated and sustained progress achieved in the field of human rights.

5. The concept of interference in the internal affairs of a country lost any legitimacy when human dignity was at stake. The doctrine whereby recognition and protection of human rights came within the competence of the national sovereignty of States was now outmoded and had been replaced by specific international protection mechanisms. It should be stressed that human rights instruments did not regulate mutual relations between States but were designed primarily to protect individuals, and a kind of international public order was emerging which, for the first time, focused on the individual rather than on States. The special procedures established within certain United Nations bodies, such as the Commission on Human Rights, further strengthened international cooperation in the field of human rights and were a valuable complement to the existing conventional machinery on protection. The emergence of the individual as a subject of international law represented a radical change vis-à-vis traditional international public law, and was an evolution which not only highlighted the moral values on which international relations as a whole should be based but also reflected the considerable impact of human rights on international legal relations. Governments were realizing more and more that a country's prestige did not depend as much on its economic or military might as on the way in which its inhabitants enjoyed their human rights and fundamental freedoms.

6. With regard to the third objective of Paraguay's foreign policy, namely regional integration, its importance was due to the fact that all the Latin American countries had been subjected in recent decades to dictatorial régimes, under which civil and political rights had been consistently violated and the essential resources of the economy squandered, causing serious deterioration in economic as well as social and cultural rights. In addition to the disastrous consequences of such a deterioration, there was the weighty legacy of the foreign debt whose volume prevented all those countries from rapidly attaining a level of development that would enable them to satisfy the legitimate aspirations of their peoples. If a person was maintain his dignity, he needed not only to enjoy his freedoms but also to have access to the material resources he needed in order to have a decent life. The right to development was also a fundamental human right on which many other rights depended. The Latin American countries had never been as democratic as they were at present, but their economies had never been in such a bad way. It was axiomatic that wherever material prosperity was lacking, freedom was threatened. There was no doubt that the greatest challenge to the world today was to assure the development and prosperity of all the world's inhabitants.

7. The Latin American countries also wished to be actively involved in transforming mankind and consequently, hoped to play a part in drafting and realizing the new human rights which were: the right to development, the

realization of which demanded a frank and constructive dialogue between the peoples of the North and those of the South and, in practical terms, that meant the effective application of the Declaration on the Right to Development; the right to the common heritage of mankind, already referred to in some of the provisions of the Convention on the Law of the Sea, which constituted encouraging progress in the area of standard-setting; the right to a suitable environment; the right to peace, the need for which was becoming increasingly obvious every day especially in the light of the events that had taken place in the Gulf.

8. Apart from the obstacles referred to earlier, the Paraguayan Government was beset with difficulties, the most serious of which involved the need to solve the problems of the most vulnerable groups of society including those of the indigenous populations or of the landless peasants, whose solution called for the development of new methods of land distribution and the implementation of an integrated rural development policy, and, of course, those of the young and the disabled. The advent of democracy had meant that the Paraguayan Government also had to face new social problems, and would have to respond, inter alia, to the claims of workers who were demanding better wages and to accede to the just demands of the homeless urban populations.

9. The Government hoped that it could continue to count on receiving international cooperation and collaboration in solving all of those problems. Paraguay was already receiving cooperation and collaboration as part of the assistance provided by the Centre for Human Rights or by the United Nations Development Programme whose activities were complementary and sought to ensure the full development of the individual. Ultimately, Paraguay sought to strengthen the ongoing process of democratization and create conditions of social justice conducive to the effective realization of human rights for all Paraguayans. Although much still remained to be done before that goal could be achieved, Paraguay wished to assure the Commission that, true to its commitment to human rights, which constituted one of the pillars of Paraguayan institutional life, it would join the struggle of the international community to guarantee universal respect for those rights.

STATEMENT BY MRS. FABIEN JEAN-LOUIS, MINISTER FOR FOREIGN AFFAIRS OF HAITI

10. Mrs. FABIEN JEAN-LOUIS (Minister for Foreign Affairs of Haiti) said that, on the day of his investiture, the President of the Republic of Haiti, Father Jean Bertrand Aristide, had announced that structural and institutional reforms would be undertaken to transform the country into a State governed by the rule of the law primarily on the lines of the Constitution adopted by an overwhelming majority of the Haitian people in March 1987.

11. The Prime Minister of Haiti, outlining his Government's general policy to the Legislative Assembly, had stated that justice, participation and transparency would be the basic principles of the Government's action. Consequently, one of the Government's first measures had been to close down Fort Dimanche, the prison which symbolized the repression perpetrated by previous régimes. Commissions had been set up to examine the files on the massacres of 29 November 1987, 11 September 1988, 12 March 1990, 16 March 1990 and 31 May 1990 as well as the double murder of 21 June 1990, and to institute public proceedings to identify and bring the culprits to trial. With regard to the violent clashes that had taken place in Gervais on 17 and 18 January 1991,

the President of the Republic had established his own commission of inquiry, which had already identified the guilty, and justice would be done. Furthermore, the Minister of Justice had received Mrs. Maria-Luisa Cesoni, a United Nations expert who was responsible for assessing needs with a view to the reform of the prison system which would be undertaken after a difficult period during which the rights of the citizens had often been flouted, the democratically elected Government was bound to heed popular demands and improve the living conditions of the population and take a number of urgent economic measures in order to stabilize the social situation in Haiti and continue the unremitting struggle for respect for human rights.

12. The United Nations had made a significant contribution to the promotion of human rights in Haiti, inter alia, by translating the text of the Universal Declaration of Human Rights into Creole. In addition, its assistance to various Haitian institutions had made it possible to hold free and democratic elections on 16 December 1990. The Haitian Govenment also thanked France and Venezuela for the draft resolution on Haiti (E/CN.4/1991/L.85) which they had submitted to the Commission and hoped that it would be adopted unanimously.

13. The Government was currently taking measures to fulfil to the letter the mandate it had received from the Haitian people who, for the first time in their history, had been able to elect the Government of their choice freely and democratically. Under that mandate, which required that all the rights of the citizens should be scrupulously respected on the basis of the 1987 Constitution, the Government intended to sign and comply with all international agreements, treaties, conventions and covenants that promoted the respect and dignity of Haitian men and women. Haiti would need all the assistance and experience of the international community and in particular, of the United Nations bodies, in order to change existing structures and regulations and to establish administrative principles and procedures consistent with its mandate and its goals. With the approach of the bicentenary of the great revolt by the slaves in 1791, Haiti was making a decisive policy change in order to establish the rule of law, and it would need dependable allies in order to succeed in its undertaking.

RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 20) (continued) (E/CN.4/1991/52 and Add.1; E/CN.4/1991/NGO/9; E/CN.4/Sub.2/1990/46; A/46/59-E/1991/7)

14. Mr. LITTMAN (World Union for Progressive Judaism) said that he welcomed the great changes that had come about in the situation of the Jewish minority in the Soviet Union in the last three years. Since January 1987, some 300,000 persons belonging to that minority had been allowed to leave for Israel and his organization together with some Soviet Jewish citizens had been able to start a religious community in Moscow, in 1990, which already had over 350 members.

15. Those improvements made the unexpected increase in the number of "refuseniks" in certain towns all the more regrettable. Several hundred of them had close relatives in Israel and were being prevented from leaving for reasons that were unsound.

16. He intended to pass on the file in his possession to the delegation of the Soviet Union but he wished to cite two particularly distressing cases. The first was that of Alexandre Polakov from Kiev who, with his family, had

been authorized to leave the USSR but could not take Emilia, his wife's daughter from a previous marriage, with them. Emilia was 15 years old and suffering from a heart condition. In fact, the child's father was opposed to her departure. The court had ruled in favour of her departure, but the emigration office continued to put obstacles in the way. The second case concerned Adolph Borisovitch Gorvitz, born in 1938, who had been unjustly sentenced to internment in a labour camp. He had applied for an exit visa for Israel. In his case, it appeared that his application had been overlooked and that he himself had been forgotten. He appealed to the Soviet delegation to investigate those two cases but also gave other names.

17. On 8 February of the current year, the representative of the Syrian Arab Republic had revived a very ancient slander concerning the Jews as a people, according to which the Jews prepared the "matza" (unleavened bread) with human blood. The rumour, which had started in 1840, had been repeated in a book entitled "The Unleavened Bread of Zion" with a preface by the Syrian Minister of Defence. The argument of the delegation of the Syrian Arab Republic to the effect that only zionism was targetted did not stand, because the zionist movement postdated the slander.

18. It was unfortunate that only 30 countries - none of them from the third world - and too few NGOs had protested. The Chairman of the Commission and the Under-Secretary-General for Human Rights had an obligation to ensure that the wrong thus done to the Jewish community was publicly denounced within the Commission on Human Rights.

19. Mr. FERNANDEZ (International Organization for the Development of Freedom of Education - OIDEL) expressed appreciation of the good work, particulary by Mr. Eide, that had been done to find peaceful and constructive solutions to the problems of minorities and also of the efforts of the Working Group which was in the process of drafting a declaration on the rights of minorities.

20. Nowadays, the awakening of many minority groups and the quickened pace of the development of multiculturalism were changing viewpoints somewhat, as well as the nature of the problems to be solved. Indeed many States now feared the disappearance of their national identity and were therefore strongly opposed to a freedom of education which would allow the various groups and cultures to express themselves and pass on their traditions. The essence of any minority was its own culture and the possibility of transferring that culture freely was included in virtually all the international instruments that concerned minorities. For a long time that right had been denied, but the problems involved became more pronounced and had not been resolved. It would have to be respected if a peaceful and democratic system was to be established. And school was where a start had to be made. School could not be cast in a single mould, and should take into account the pluralism of contemporary societies, respect for others and for legitimate differences.

21. Contrary to a widely held view, pluralism was not a factor that contributed to social disintegration. The countries where pluralism was respected, for example by allowing a genuine choice of school, were not the ones in decline but rather were among those with the greatest social cohesion. His organization considered that, any future declaration, should set out more explicitly the right to freedom of education and choice of school, following the example of the UNESCO Convention against discrimination

in education (1960), which provided that assistance should be given to minority groups desirous of setting up educational centres other than the public ones. In order to establish that kind of education system, the State should give strong backing and financial support to any such initiatives by civil society. The "Education for All" Conference organized by UNESCO, had drawn attention to the failure of education systems that were entirely dependent on the State. The participants had therefore encouraged States to invite ethnic, cultural and religious minorities, which were highly motiviated, to work together with them in the area of education. Such a step would offer society as a whole an opportunity to resolve the problems of pluralism and minorities. That called for courage but it was the only possible way.

22. Mr. MILOSEVIC (World Association for World Federation) said that he would devote his statement to the situation of certain Serbian minorities in Yugoslavia, and more particularly, to begin with to the town of Pakrac, which had been occupied by the special forces of the Croatian Government and where, according to reports, there had been deaths and injuries among the civilian population. That example was one of the many acts of repression carried out against Serbian minorities by the Croatian authorities. Pending action by the federal army to prevent, if possible, the massacre, there had been a mass flight of civilians to the surrounding mountains. Monsignor Lukian, the bishop of Slovenia, had gone with them to lead them and in the bishop's absence he listed the salient points contained in the document which he sent him. The events concerned only Slovenia, and the situation since President Tujman had taken power in the Republic of Croatia in April 1990. There had been physical attacks on orthodox priests, whom he named, the destruction of property belonging to the Serbian Orthodox churches, which had been set on fire or blown up, the nationalization of Serbian Orthodox Church assets and a ban on renovating or repairing churches destroyed by the Croatian nationalists during the Second World War.

23. The President of the National Serbian Council of the autonomous region of Krajina had read out a long list, the previous week, of the violations of human rights in the Republic of Croatia, but the official delegation of Yugoslavia had denied those facts, as it would probably deny that there were Croatian tanks in the streets of Pakrac. After the Argentine generals and the Greek colonels, the democratic world now had to deal with the Croatian Communist former generals who were violating the freedoms and rights, in particular the religious rights, of the Serbian community of the Republic of Croatia.

24. Ms. BLOCH (Minority Rights Group - MRG) said that the importance of minority rights was shown by the fact that, according to a study on major conflicts carried out by a Swedish organization, almost two-thirds of them had involved conflicts between majorities and minorities. The forms deliberately given by the United Nations to the nation State at the expense of minorities had contributed to marginalizing the latter. States viewed respect for minority rights as a threat to the integrity of the nation, whereas in fact it was the disregard for those rights which was the source of discontent and ensuing difficulties and conflicts.

25. It was to be hoped that the Commission's current interest in minorities would bear fruit, as in order to prevent or settle conflicts, their existence had first to be recognized. The MRG felt that the United Nations programme of

advisory services and technical assistance was a good way of addressing those and other problems. However, in that area too, international standards were needed as guidelines. That was why the MRG was involved in the Working Group established by the Commission to prepare a draft declaration on the rights of minorities.

26. As the work on the draft declaration had been under way for the past 12 years, it would be desirable for the Commission to adopt draft resolution E/CN.4/1991/L.59, in which the Economic and Social Council would be requested to authorize the Working Group to hold an intersessional session to complete its second reading of the draft declaration. The preliminary work done by Mr. Eide, Special Rapporteur, on possible means of facilitating the peaceful and constructive solution of problems involving minorities was an indication that his final report would be very useful for the implementation of the declaration once it was adopted. The questionaire here on which the forthcoming report would be based should be made available to all States Members of the United Nations and their minorities and it was important to ensure that sufficient resources were available to Mr. Eide.

27. It was unfortunate that the NGOs and Governments had had only a very short deadline for submitting their answers to the questionnaire, and the fact that there would be very little time for consulting minorities was further evidence of their marginalization. However, the Minority Rights Group wished to state once again that the minorities perception of areas concerning their lives was crucial to understanding the situation of each of them and of their common features.

28. Mr. TOTSUKA (International Educational Development - IED) said that he welcomed the progress made by the Working Group on the drafting of a declaration on the rights of minorities, and hoped that the text would be broad enough in scope to address certain particular aspects of discrimination against minorities.

29. The IED was particularly concerned about the discrimination against certain groups, social outcasts, such as the Buraku people in Japan. Although they were no different from other Japanese, for hundreds of years they had been discriminated against and even in recent times had been confined to certain villages. Japan had not yet ratified the International Convention on the Elimination of All Forms of Racial Discrimination, perhaps because article 1 of the Convention prohibited discrimination based on "descent", and that obviously applied to the Buraku. The IED therefore stressed the importance of protecting minorities, which were considered as such only on account of their "descent" and whose human rights were violated because of that very reason.

30. The IED also hoped that the forthcoming declaration would address discrimination against "temporary" minorities. An example of that was again to be found in Japan, where large numbers of Chinese students were victims of intolerance. The Japanese Government had never respected the decision taken in Paris, by the industrialized countries forming the Group of Seven after the events that took place in Tiananmen Square, to extend the stay of the Chinese students in their respective countries. Many Chinese students in Japan had been sent back to China and others had been issued only temporary extensions of their visas and so lived in a state of uncertainty and anguish. The IED therefore hoped that the Working Group would take due account of the problems of groups - especially refugees - which constituted temporary minorities.

31. Lastly, the IED wished to draw the Commission's attention to the situation of population groups, which by an accident of history, had become an oppressed minority when for centuries they had constituted an autonomous nation. That was the situation in Sri Lanka where there had previously been two distinct States: one Tamil and one Sinhala. The Tamils were completely different from the Sinhala; they had a separate language, territory and religion. After the British left in the late 1940s, the Sinhala, who comprised 75 per cent of the Sri Lankan population, had been the dominant group. They oppressed the Tamils and had engaged in genocide against them in 1983. The Tamils were excluded from the conduct of the affairs of the country because they had virtually no representatives in the ministries, the Parliament or the armed forces. For 40 years their rights had been systematically and grossly violated, and because the Government had done nothing and the international community, including the Commission on Human Rights, had abandoned them to their fate, they had been compelled to use force to defend their right to self-determination. Therefore, for the past seven years, there had been a continuous state of civil war in Sri Lanka. Admittedly the cause of the Tamil people was not as popular as other causes and they had been criticized by some people for using violence, but it was time for the international community to act to ensure that other generations of Tamils would finally enjoy their human rights.

32. The IED agreed with the 18 non-governmental organizations which had requested the Sub-Commission, at its forty-second session to take measures to satisfy the aspirations of the Tamil people within the framework of human rights and the right to self-determination. The IED itself had made a statement on the subject during that session and it would make a copy of the text available to the persons participating in the work of the Commission.

33. Mr. JAZIC (Yugoslavia), speaking in exercise of the right of reply, said, for the information of the World Association for World Federation that first, the delegation of Yugoslavia had never denied anything that that organization had said during consideration of agenda item 12. His delegation had simply indicated that all Yugoslavia's, internal problems including the relations between the Yugoslav nations, should be settled in a peaceful, and democratic manner and through negotiations. Furthermore, it was obvious that the Serbian nation could not be regarded as a minority in any part of Yugoslavia, and whatever number of persons was involved.

34. Secondly, since the delegation of Yugoslavia did not have the relevant information available, it would not refute the most recent allegations made by that NGO at the beginning of the meeting; it considered, however, that they did not help to portray a true picture of the situation in Yugoslavia. With regard to the unfortunate events in Pakrac, it wished to state that the Yugoslav Government had already taken the necessary measures to prevent any further deterioration in that situation and to restore the conditions necessary for a peaceful settlement of the problem.

35. The CHAIRMAN said that the Commission had completed its consideration of agenda item 20.

DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (agenda item 23) (continued) (E/CN.4/1991/57)

36. Mr. ALFONSO MARTINEZ (Cuba) thanked, on behalf of his delegation, the Chairman-Rapporteur of the Working Group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights, as well as the Chairman of the Informal Drafting Group for the progress made in elaborating the draft declaration. He hoped that Mr. Walker and Mr. Helgesen would carry on until their mandate had been completed. His delegation also appreciated the spirit of cooperation displayed by all the delegations which had participated in the drafting exercise, in order to be able to submit for adoption to the higher bodies of the United Nations a universal document that faithfully reflected all the opinions expressed on the subject.

37. The progress achieved so far highlighted the importance and complexity of the issues that the Working Group had still to consider before completing the first phase of drawing up the draft declaration. During its 1992 session, the Working Group would have to address three questions which, in the view of his delegation, were of major importance. The Working Group would first be required to consider the duties of any individual to the community in which he lived (Universal Declaration of Human Rights, art. 29, para. 1). A creative approach would be required because the question had not been broached by the Commission either from the conceptual point of view or from the point of view of the specific measures that could be taken in that area. The Working Group should also study the role played by national legislation and, last, decide on the method of financing the activities to be undertaken in the different countries.

38. His delegation hoped that the Working Group would complete the first phase of preparing the draft declaration during the coming year. After the text had been adopted in first reading, it should be sent to Governments, intergovernmental organizations and non-governmental organizations for their comments so that a final draft could be prepared on the basis of those comments. The Cuban delegation was prepared to contribute as far as it was able to the final elaboration of that document.

39. Mr. WALDROP (United States of America) said that civilized society must be founded on respect for the dignity and value of each individual. Referring first to Articles 55 and 56 of the Charter of the United Nations, he pointed out that States Members of the United Nations were required to uphold and respect universally recognized international standards concerning human rights and fundamental freedoms.

40. On 10 December 1948, the General Assembly had proclaimed the Universal Declaration of Human Rights to be "a common standard achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance". The Assembly thus recognized the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms.

41. Forty-two years after its adoption, it had to be acknowledged that there were many places where the Declaration had had little or no practical results. The international community must therefore work out a strategy that would make it more successful in promoting respect for human rights at the national, regional and local levels of Government. For that purpose, bilateral and multilateral diplomacy was exceedingly important, as the work of the Commission clearly illustrated. However, diplomatic methods were not enough. Governments were often compelled to choose among competing priorities and the cause of human rights was advanced better by an active partnership of Governments, private groups and individuals than by initiatives by Governments on their own.

42. The non-governmental organizations that sought to promote human rights had many traits in common with other private groups. Like them, they required financial resources, and a lack of funds would make it impossible for them to fulfil their mission. Since efforts to promote human rights were worldwide and universal, the role of private individuals and groups transcended national frontiers. Therefore, national frontiers ought not to impede the transfer of funds for promoting human rights. His delegation also called the Commission's attention to article 19 of the Universal Declaration of Human Rights which stated that freedom of opinion and expression included the right "to seek, receive and impart information and ideas through any media and regardless of frontiers". In his delegation's view, that provision clearly included the ability to transfer funds for the purpose of promoting human rights.

43. In some countries, authoritarian or totalitarian régimes employed repressive practices to prevent citizens from enjoying their fundamental rights. It was the duty of the international community to make it clear to those Governments that such practices were a violation of the international codes of conduct, urging them to stop oppressing their citizens. Like the international community as a whole, private individuals and groups had the right and responsibility to strive to restore fundamental human rights and freedoms where they were not respected. The right to promote human rights was in itself a human right. His delegation thought that it might be helpful to draw attention, in addition, to the preamble to the Universal Declaration of Human Rights, and to articles 18, 19 and 20 of that instrument, which dealt, respectively, with the right to freedom of thought, the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association. The references in the Declaration to freedom of thought, opinion and expression were not qualified or restricted and therefore they clearly included topics related to human rights. The right to freedom of peaceful assembly and association could legitimately be exercised to promote the effective enjoyment of human rights and fundamental freedoms. Unfortunately, some Governments, which were doubtless fearful that their people might learn the truth and that that truth might set them free, persisted in preventing individuals and groups from working for human rights.

44. His delegation was pleased with the progress made thus far by the open-ended Working Group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. When the declaration had been completed and adopted by the General Assembly, there would be no further doubt as to the right of individuals and groups everywhere and always to promote human rights.

45. All over the world, private individuals and groups were making a vital contribution to the international community's campaign to promote universally recognized human rights and fundamental freedoms and in the end their endeavours would prevail because the peoples of the world were destined to be free.

46. Mr. Martius (Germany) took the Chair.

47. Mr. WALKER (Australia), Chairman-Rapporteur of the open-ended Working Group to draft a declaration on the right and responsibility of individuals, groups and organs of society, to promote and protect universally recognized human rights and fundamental freedoms, introducing the draft report of his Working Group (E/CN.4/1991/57), said that the objective of the Group had not been so much to draft new human rights standards as to consider and elaborate measures to reinforce the protection and promotion of human rights already recognized in existing instruments. The draft would not cut across existing interpretations of those rights, nor would it seek to define them in a way that would limit or restrict them.

48. The draft declaration addressed the activities of individuals or groups working to promote and protect human rights. Some of those human rights defenders were very well known and that reputation conferred some degree of protection. Others, on the other hand, pursued their work outside the protective framework of international or national attention, often in difficult and even dangerous environments. That situation was a constant reminder to the members of the Working Group that their task was urgent and highly relevant.

49. That year the Working Group had held its sixth session. In earlier sessions, the Group had encountered serious difficulties and progress had been slow. A schematic outline prepared by his predecessor in 1986 had nevertheless been unanimously accepted and had guided the Group in its work. The plan envisaged five chapters: (1) the affirmation and definition of the right to promote and protect human rights; (2) the right to know one's rights and to impart knowledge of one's rights to others; (3) the right to associate with others in the promotion and dissemination of knowledge about human rights; (4) the right to be protected in the exercise of one's rights and to have recourse to effective remedies in the event of violation of those rights; and (5) conditions and limitations on the exercise of the right. Those chapter headings had been modified in subsequent sessions, but the basic structure had been retained.

50. At the end of its 1991 session, the Working Group had been able, for the first time, to agree on a single and coherent text, which was contained in annex VI of the report (E/CN.4/1991/57). Several paragraphs of different chapters had been adopted in first reading.

51. The Working Group hoped to complete consideration of the first reading of the draft by the next session of the Commission. In order to do so, the Working Group would need 10 working days in the following year to enable it to settle three substantive issues on which one delegation, in particular, had reservations and to improve the text in order to ensure that its second reading could be completed as quickly as possible. It might also be useful to take up the suggestion of making a technical review of the text betweer the

first and second readings and to communicate to all Governments the text on which agreement had been reached in the first reading, so that the governmental authorities could in turn submit their comments.

52. The progress made over the last two years had been due to the very positive approach by delegations, in particular, those of observer countries and non-governmental organizations, and to the fact that the Working Group had been assisted by the extended meeting time made available. Consequently, it would be desirable for the Working Group to meet for two full weeks in 1991, so as to allow a start to be made on the second reading of the draft.

53. Mr. KHOURY (Observer for the Syrian Arab Republic) said that, first of all, he wished to express appreciation of the competence, flexibility and patience of the Chairman-Rapporteur of the Working Group and the Chairman of the Informal Drafting Group. He was confident that, through their efforts, the Commission would achieve the desired results.

54. The Syrian Arab Republic was particularly interested in the draft declaration and its subsequent adoption because it regarded the draft not only as a contribution to the defence of rights involving the dignity of the human being but also as an important step towards the establishment of a coherent set of covenants, conventions and other international instruments designed to promote respect for human rights and fundamental freedoms. The draft declaration under consideration ought to reflect the various legal systems; a selective approach should be avoided, and instead the draft should have a basis which could be acceptable at the universal level. Therefore, the Working Group's mandate should be extended, to enable it to form a better understanding of the concepts relating to the rights and responsibilities of the individuals, groups and organs of society in the promotion of human rights. The duties and obligations which formed a substantial proportion of that draft included, in particular, the right to self-determination and the right to combat racist ideologies and practices.

55. In conclusion, he welcomed the fact that all Governments would be given an opportunity to study the draft text after the first reading.

56. Mr. GROSSE (International Federation of Human Rights) said that every year in the Commission his Organization, which was a federation of 55 human rights leagues composed of activists, stressed the importance it attached to the draft declaration under consideration. The list of the members of the FIDH leagues who had been arrested, executed, abducted for transmitting information, defending human rights in their own countries or for testifying before the Commission was a long one. The first three Chairmen of the Salvadorian Human Rights Commission had been assassinated. The Vietnamese Committee for the Defence of Human Rights had been forced into exile. The Human Rights Commission of Guatemala had met the same fate, although article 45 of the Guatemalan Constitution specified that it was lawful to oppose the violation of one's rights. Notwithstanding that article of the Constitution, members of the Mutual Support Group (GAM) and of the Ethnic Communities Council "Runujel Junam" had been executed. The situation of human rights advocates in Peru and Romania continued to be precarious.

57. The declaration under consideration was based on existing international standards. It might be recalled that articles 19, 21, 22 and 25 of the International Covenant on Civil and Political Rights recognized the right of

citizens to take part in the conduct of public affairs, and that according to its preamble, "the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant". Other instruments were applicable, for example, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. The aim in drafting a special law (which the declaration would, in fact, become) was, by definition, to expand the content of the general law in force.

58. The FIDH therefore called upon the Working Group to strengthen the declaration so as to underscore and guarantee better the right of individuals to promote and protect human rights. Because the urgency of the situation called for the speedy adoption of the text, despite its shortcomings, the FIDH requested Governments to submit their comments promptly to the Working Group with a view to the second reading of the draft text. Thus, the declaration could be adopted at the Commission's forty-eighth session.

59. Mr. WADLOW (International Fellowship of Reconciliation) said that the agenda item under consideration was in many ways a synthesis of the work of the past weeks of a session, which had inevitably been coloured by the war in the Gulf and by the concern of the post-war period, namely, the quest for peace and justice in the region. It was the only agenda item whose title included the word "responsibility"; there was sometimes a reluctance to use that word in relation to human rights work lest some Governments should seize on the concept and attempt to make additional demands of their citizens.

60. Nevertheless, responsibility for the promotion of human rights was both individual and collective, not only for the Commission as a body but also the observer States, the intergovernmental bodies, the United Nations agencies, the Secretariat of the Centre for Human Rights and the non-governmental organizations. Although there were different views, although some were locked in armed conflict against others outside the Commission, although the representatives of certain Governments were critical of the fact that on the delegations of some non-governmental organizations there were persons belonging to armed resistance movements or who were wanted by the police, and although one wondered whether Governments with dismal human rights records should be elected as members of the Commission, yet somehow all the participants worked together in an attempt to extend the concepts of human rights universally, using all the information and all the means at their disposal.

61. The many specific cases of gross violations of human rights before the Commission had been brought to its attention by the very persons whom the draft declaration under consideration should protect. All those who - in difficult and often dangerous conditions, infinitely more difficult than the conditions in the Palais des Nations - dared to denounce the injustices and submitted proposals for action facilitated the work of the Commission. Those who had been killed for defending human rights were none the less present in spirit in the Commission, asking it if it had really done enough. The draft declaration, which should be completed by next year, was a reminder to the Commission of what it owed to all those who were working in the field to promote human dignity. The quality of the Commission's work should justify the trust which they placed in it.

62. Mr. BANDIER (International Association of Educators for World Peace) said that the human rights situation in the world often reached the limits of the tolerable, notwithstanding the considerable efforts made to implement the Universal Declaration.

63. At each session, more time was required to complete the various agenda items and to discuss old and new cases of violations. He did not intend to go into the reasons and causes of that situation, but hoped that public opinion would be widely informed and duly alerted. Neither did he intend to criticize public or private agencies because in the case of the United Nations and the specialized agencies, they did a great deal to ensure the implementation of the relevant international instruments.

64. However, a number of vexing issues inevitably arose. Why was there such a tendency to venture so often into areas where one was likely to be drawn into inextricable situations? In every region of the globe one could only deplore the exactions and suffering that mainly affected children and their mothers. The world seemed to have lost the sense of morality and fundamental values. Could it be that in trying to do too much, it had committed the sin of omission? Much hard work had certainly gone into drafting the legal texts which defined the rights of the individual - and that was to be welcomed - but not enough importance had been given to formulating the concept of duties. While it was all well and good to speak of rights and to make them known and respected, it was equally essential to formulate the concept of duty, which was indissociable from the concept of right.

65. As parents were the first to educate their children in that regard, they should be trained to prepare their children properly for life. It was therefore indispensable to draft a legal instrument that would complement the Universal Declaration of Human Rights, and codify the concept of duties in all its forms. His organization was engaged in that exercise, mainly with the International Council for Cultural and Spiritual Research of which it was his privilege to be the Honorary Chairman.

66. As a devastating war drew to a close each individual was bound to regard himself as mobilized for a mission based on the concept of universality. In order to facilitate that mission, the United Nations, its specialized agencies and the NGOs must work on drafting that new instrument to clarify the concept of responsibility which was already established in the Universal Declaration of Human Rights. How was progress to be made if the leaders of a nation disregarded or flouted principles that were set out clearly in the Charter of the United Nations, which they themselves had ratified when they became full Members of the United Nations? That question was directed to both teachers and other educators, who were responsible for moulding the men and women of tomorrow and for ensuring the future of their countries as well as a lasting and better world based on the family, morality and love.

67. It was useful to sound the alarm, in the hope of alerting all those who wished to build a world where all the desires of individuals would be strictly respected. As Seneca said, "It is not because things are difficult that we should not dare; it is because we do not dare that things are difficult".

68. Mr. EYA-NCHAMA (International Movement for Fraternal Union among Races and Peoples) said that the non-governmental groups and agencies, through their independent work, played a very important role in promoting human rights, for example, by enabling the disadvantaged social classes to become more aware of their rights, and consequently, reducing abuses of power by the authorities. Through their action, those groups and agencies were to some extent making States assume their true role in the implementation of national and international human rights standards. Furthermore, through their work in educating those sectors of the population which were unable to exercise their rights, they made good the deficiencies of States which, under their international commitments, were nevertheless bound to disseminate the content of universally recognized rights.

69. But those organizations were not always highly regarded by Governments, particularly those which were under United Nations scrutiny. Without wishing to offend any State, he recalled that in November 1989, six Jesuit priests had been murdered in El Salvador because they had defended human rights by campaigning for the social advancement of marginalized population groups. On the African continent also, those who demanded a multi-party system were often regarded as subversive elements, and automatically became victims of the system they opposed. He wished to take the opportunity to pay a tribute to the memory of another human rights defender, Professor Kazem Rajavi, murdered in Switzerland on 24 April 1990.

70. In conclusion, he said that he was convinced that wherever the military authority had the upper hand over the civil authority and where the administration of justice was inoperative, the presence of non-governmental human rights organizations was absolutely essential. Consequently, the draft declaration under consideration, which sought, inter alia, to ensure the protection of individuals, groups, and agencies of society which were fighting for human rights should be adopted.

The meeting rose at 1 p.m.